

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ MAR 22 2010
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ROBERT EDWARD NOWAKOWSKI,

Plaintiff,

- against -

ORDER
09 CV 5203 (RJD)(LB)

NEW YORK CITY HEALTH AND
HOSPITALS CORPORATION, DR. MAURICE
WRIGHT, P.O. LINTON X.E. JONES,
SGT. STILES, DET. CRUZ, JAIME GONZALEZ,
JANE DOE,

Defendants.

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BLOOM, United States Magistrate Judge:

On March 1, 2010, the Court ordered defendants to provide the full name and service address for defendant Hernandez, pursuant to Valentin v. Dinkins, 121 F.3d 72 (2d Cir. 1997)(per curiam). (Document 15.) By letter dated March 11, 2010, defendants' counsel states that the defendant's name is "Jaime Gonzalez," not "O. Hernandez." (Document 16.) Defendant's counsel provides the following service address for this defendant:

Jaime Gonzalez
760 Broadway
Brooklyn, NY 11206

The complaint is deemed amended to substitute defendant "Jaime Gonzalez" for defendant "O. Hernandez." The Clerk of Court is hereby directed to prepare the necessary papers to have this defendant served with process. The United States Marshals Service is hereby directed to serve the summons and complaint on the defendant at the addresses listed above.

clm

The Court held a status conference in this case on March 18, 2010, pursuant to Fed. R. Civ. P. 16. Any request to **amend** the complaint, including any request to join other parties, shall be made by April 16, 2010. Fed. R. Civ. P. 16(b)(3)(A). The Court set **July 12, 2010** as the deadline for the parties to **complete** all discovery.

Discovery is the process by which the parties request information from each other regarding their claims or defenses. Discovery requests are not made to the Court. Discovery is governed by Rules 26 through 37 of the Federal Rules of Civil Procedure and is conducted between the parties without the Court's involvement. Pursuant to Fed. R. Civ. P. 33 and 34, plaintiff may request, in writing, answers to questions and documents from defendants' attorney. The more specific the request, the more likely the information will be produced. Generally, parties must respond to discovery requests in writing within thirty (30) days. Since July 12, 2010 is the deadline for the *completion* of all discovery, requests to the opposing party must be served at least thirty (30) days before that deadline. Plaintiff should always keep a copy of all requests and responses sent to defendants; plaintiff should never send an original document, only a copy. Fed. R. Civ. P. 5(d) prohibits litigants from filing discovery materials in the Court.

The parties may conduct depositions upon oral examination pursuant to Fed. R. Civ. P. 30. An oral deposition is a seven (7) hour question-and-answer session in which the person being deposed testifies under oath or affirmation. The deposition in its entirety, both the questions and answers, are transcribed by the court reporter and may be used in the litigation. If a party receives written notice to appear for a deposition but is unable to appear at the date and time stated in the notice, that party shall promptly contact the opposing party to request that the deposition be rescheduled for another date. Each party bears their own

costs of conducting discovery.

Before requesting the Court's assistance regarding a discovery dispute, the parties must make a good faith effort to resolve the dispute with one another. Fed. R. Civ. P. 26(c); Local Civil Rule 37.3. For example, if plaintiff has requested materials and defendants have not responded within thirty days, plaintiff must make a good faith effort to resolve the issue with defendants' counsel before seeking the Court's intervention. Under the Federal Rules of Civil Procedure, any submission to the Court must first be served on the adversary or the Court cannot consider it. Fed. R. Civ. P. 5.

If defendants intend to file a motion for summary judgment, defendants' counsel shall write to Judge Dearie by June 18, 2010 to request a briefing schedule, setting forth the basis for the proposed motion.

SO ORDERED.

LOIS BLOOM
United States Magistrate Judge

Dated: March 19, 2010
Brooklyn, New York